

ASSEMBLY BILL

No. 1622

Introduced by Assembly Member Eng

February 8, 2012

An act to add Section 17463.8 to the Education Code, relating to school property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1622, as introduced, Eng. School property: San Marino Unified School District.

Existing law requires the funds derived from the sale of surplus property to be used for capital outlay or for costs of maintenance of school district property that the governing board of the school district determines will not recur within a 5-year period. Existing law authorizes the proceeds from a lease of school district property with an option to purchase to be deposited into a restricted fund for the routine repair of district facilities, as defined, for up to a 5-year period. Existing law, in addition, authorizes the proceeds from the sale or lease with option to purchase to be deposited in the general fund of the district if the school district governing board and the State Allocation Board determine that the district has no anticipated need for additional sites or building construction for the 10-year period following the sale or lease with option to purchase, and the district has no major deferred maintenance requirements and requires those proceeds to be used for one-time expenditures, and prohibits their use for ongoing expenditures, including, but not limited to, salaries and other general operating expenses.

Existing law, notwithstanding the provisions above, authorizes a school district to deposit the proceeds from the sale of surplus real property, together with any personal property located on the property,

purchased entirely with local funds, into the general fund of the school district and to use the proceeds for any one-time general fund purpose.

This bill would authorize the San Marino Unified School District to sell the site of the former Stoneman Elementary School to the City of San Marino and use the proceeds from the sale for school district education programs.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of San Marino and the San Marino Unified School District.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Education Code generally restricts a school district's
4 use of proceeds received from the sale of surplus property to capital
5 outlay purposes or maintenance that will not recur within a
6 five-year period unless the Legislature grants exceptions for
7 specific transactions.

8 (b) In March 2011, the City of San Marino entered into a 99-year
9 lease agreement with the San Marino Unified School District for
10 the site of the former Stoneman Elementary School. The school
11 district has not used the site as an elementary school since 1983.
12 Instead, the site has been used primarily, and exclusively in recent
13 years, by the City of San Marino for recreation classes, preschool,
14 child care, and other such programs. Currently, an estimated 12,000
15 people, almost equivalent to the population of the City of San
16 Marino, participate in activities through, or that are scheduled as
17 a result of, the city's use of the Stoneman facility.

18 (c) The 99-year lease agreement between the City of San Marino
19 and the San Marino Unified School District for the Stoneman
20 property is widely considered a strategic step to simultaneously
21 maintain the Stoneman site as a community resource for residents
22 of the City of San Marino and surrounding areas and provide
23 needed funds for public education for pupils who attend schools
24 in the district.

25 (d) The lease agreement provides that if the San Marino Unified
26 School District is able to convey title to the city, the school district

1 will receive from the city one million dollars (\$1,000,000) to be
2 used for general fund public education purposes, as well as
3 accelerated payment of the amounts that would otherwise be
4 payable as lease payments, provided that the school district is able
5 to obtain a provision of law permitting that use.

6 (e) This sale would provide the City of San Marino with the
7 assurance of title that would enable the city to move forward in
8 the future with additional use and development of the Stoneman
9 property for recreational and other facilities that would substantially
10 benefit the San Marino Unified School District and secure the use
11 of the property for critical community services. Conveyance of
12 title to the City of San Marino would create the opportunity for
13 the long-term development of the site into a community center and
14 recreation complex, which has received the endorsement of the
15 school district because public school pupils would be the
16 beneficiaries of the facilities, as would residents of the area.

17 (f) The proposed sale has received unanimous support and
18 approval from the governing board of the San Marino Unified
19 School District, the City Council of San Marino, and numerous
20 other community groups.

21 (g) The proposed sale would allow the City of San Marino to
22 take title to, and allow for the development of, the Stoneman site
23 for the substantial benefit of the community and would provide
24 the San Marino Unified School District with needed funds for its
25 education programs.

26 SEC. 2. Section 17463.8 is added to the Education Code, to
27 read:

28 17463.8. Notwithstanding any other law, the San Marino
29 Unified School District may sell the site of the former Stoneman
30 Elementary School to the City of San Marino and use the proceeds
31 from the sale for its education programs.

32 SEC. 3. The Legislature finds and declares that a special law
33 is necessary and that a general law cannot be made applicable
34 within the meaning of Section 16 of Article IV of the California
35 Constitution because of the unique needs of the City of San Marino
36 and the San Marino Unified School District regarding the property
37 to be sold.